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Situation of human rights in Myanmar

Report of the Secretary-General

I. Introduction

1. The present report is submitted pursuant to paragraph 19 of General Assembly resolution 53/162 of 9 December 1998, entitled "Situation of human rights in Myanmar", in which the Assembly requested me to continue my discussions with the Government of Myanmar on the situation of human rights and the restoration of democracy in Myanmar and to submit additional reports to the Assembly during its fifty-third session on the progress of those discussions, and to report to the Assembly at its fifty-fourth session and to the Commission on Human Rights at its fifty-fifth session.

2. As I have indicated in previous reports, I consider the role entrusted to me by the General Assembly as being one of good offices, in contrast to the fact-finding mandate assigned to the Special Rapporteur by the Commission on Human Rights.

3. In implementation of resolution 53/162, my Special Envoy, Mr. Alvaro de Soto, Assistant Secretary-General for Political Affairs, visited Myanmar from 14 to 18 October 1999. During his visit, Mr. de Soto held consultations with Lieutenant-General Khin Nyunt, Secretary-1 of the State Peace and Development Council; U Win Aung, Minister for Foreign Affairs; Brigadier-General David Abel, Minister in the Office of the Chairman of the State Peace and Development Council; and Colonel Tin Hlaing, Minister for Home Affairs. He also held consultations with leaders of political parties, namely, the National League for Democracy (NLD), including its General-Secretary Daw Aung San Suu Kyi, and the Shan Nationalities League for Democracy; and representatives of some of the ethnic minority groups, including the New Mon State Party and the Kachin Independence Organization.

II. Content of the discussions

4. My Special Envoy and I have raised with the Myanmar authorities and other political figures the concerns of the General Assembly and the Commission on Human Rights as reflected in the resolutions they have adopted over the years, such as the restoration of democracy and human rights in Myanmar, a dialogue involving the Government, political parties — particularly NLD — and ethnic groups, freedom for political parties to conduct normal political activities, the release of political prisoners, the visit of the Special Rapporteur of the Commission on Human Rights, access to prisoners by the International Committee of the Red Cross (ICRC), and last but not least, forced labour practices.

5. In our discussions with the authorities, my Special Envoy and I reiterated that the best means to achieve democracy was by holding an inclusive political dialogue with the various political forces within the country, and in

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particular with NLD, which had won a majority of votes in the 1990 elections. My Special Envoy sought to persuade the Government that if it had been able to carry out negotiations with armed insurgent groups, it should also be able to extend such talks to unarmed political parties. He also conveyed to the authorities the widespread concerns of the international community over the disproportionate and harsh sentences that have been imposed on those who carried out peaceful political activities. Such action, in his view, cannot but have a negative impact upon the Government's goal of returning the country to democracy. He argued that criticism of the Government, as long as it was expressed peacefully, was part of the normal political life of all democratic Governments and should not be grounds for curtailing the freedoms of expression and assembly. My Envoy and I strongly urged the Government once again to allow a visit by the Special Rapporteur so that he might report on the situation of human rights on the ground, without having to rely on second-hand sources. While acknowledging reports that the Government had suspended those provisions in the British-colonial-era laws that allowed it to demand forced labour, Mr. de Soto urged the Government to repeal those laws so that those who perpetrated forced labour practices could be prosecuted by law.

6. I was very pleased to learn that ICRC had started to conduct visits to prisons and other places of detention according to its standard procedures. The Government assured my Special Envoy that it would continue its cooperation with ICRC. On the release of political prisoners, the Government argued that the persons concerned were not political prisoners and were being released from time to time.

7. Regarding visits of the Special Rapporteur to Myanmar, the Government repeated its displeasure at the reports written by him since he had undertaken that function. In the Government's opinion, those reports were biased and relied upon information provided by dubious sources. Nevertheless, the Foreign Minister stated for the first time that the Government would give "serious consideration" to a visit by a Special Rapporteur, without indicating when such a visit might take place.

8. With regard to forced labour, the Foreign Minister stated that it was no longer practised in Myanmar, since there was no longer any fighting waged against insurgent groups and therefore there was no need to demand porterage from civilians. He said that accusations of forced labour were politically motivated. He indicated that the Government had taken action to suspend the application of the Village Act and the Towns Act which allowed for forced labour practices, without repealing them.

9. Concerning a dialogue with the political parties, ethnic groups and other political actors, the Government stated that it was essential that there should be sincerity and mutual respect in holding a dialogue, which was the case in the Government's dealings with the ethnic groups. The Government noted that NLD showed no sign of such sincerity and mutual respect, thus making a dialogue with them "very difficult". The Myanmar authorities said that one way of demonstrating this sincerity was by showing a desire to "work constructively" instead of attacking everything the Government did. NLD, for its part, expressed its continued readiness to engage in a dialogue with the Government at any time.

10. The representatives of some ethnic groups which have ceasefire agreements with the Government wanted to have a political dialogue with the Government, but not at the National Convention, which some of the ethnic groups were not participating in. They said that a more inclusive conference needed to be held, with representatives of all ethnic groups, large and small, as well as political parties and the Government. Many of the ethnic representatives with whom my Special Envoy met expressed their desire to see a political dialogue between the political opposition, particularly NLD, and the ruling State Peace and Development Council.

III. World Bank participation

11. In a departure from previous missions, an official of the World Bank accompanied my Special Envoy as his adviser with the purpose of assisting him in explaining the cooperation that might be available to Myanmar from the international financial institutions and the requirements that would have to be met for those institutions to accede to it. This was done on the basis of a draft report of the Bank, entitled "Myanmar: An Economic and Social Assessment", to be published by the end of 1999, currently under discussion with the Myanmar authorities concerned. Myanmar, according to the World Bank, is trapped in abject poverty despite its rich resource base.

> "Most poverty and human development indicators have lagged, placing Myanmar behind its neighbours and most developing countries. Those outcomes are attributable to flawed policies that afflict a twin blow: policy distortions retard the ability of farms and firms to create income-earning opportunities, and poor public finances prevent adequate response to the needs of the diverse population ... failure to improve living standards of the majority of the population ... could

have devastating consequences for poverty, human development and social cohesion in Myanmar."

12. The World Bank makes clear that in order for Myanmar to realize its full economic potential and achieve levels of broad-based prosperity enjoyed by other countries in South-East Asia, it will be necessary both to set in place good domestic incentives and capable institutions, and to secure external financing through high-quality foreign investment and well-targeted Official Development Assistance. However, to obtain the support of the international community for such external financing, Myanmar will need to demonstrate the commitment to a broad-based reform policy that would address not only the economic issues discussed in the Bank's report, but also the other concerns of the international community which affect their relations with Myanmar. As the Bank states in its report, "the United Nations had adopted resolutions that convey these concerns as regards political and human rights policies that will affect the degree of international support for Myanmar".

IV. Observations

13. As I mentioned above, I welcome the visits by ICRC to prisons and places of detention — something which the General Assembly has repeatedly asked the Government of Myanmar to allow to take place. However, I am unable to report concrete progress on other issues which the international community has raised time and again in successive resolutions of the General Assembly and the Commission on Human Rights. It is my very strong desire to see the Government take action on these other issues as well. I hope the Foreign Minister's indication that "serious consideration" would be given to a visit by the Special Rapporteur will translate into the setting of a date very soon, in time, I hope, for the submission of a report to the Commission on Human Rights at its fifty-fifth session.